

REMARKS

Initially, in the Office Action the Examiner has rejected claims 1 – 3, 5, 7 – 25, 32 – 42 and 48 – 54 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0076408 (Dutta) in view of U.S. Patent Application Publication No. 2002/0062382 (Rhoads, et. al.).

By the present response, Applicant has canceled claims 14, 25, 39 and 53 without disclaimer and amended claims 1, 15, 17, 32, 40, 41, 48 and 54 to further clarify the invention. Claims 1 – 3, 5, 7 – 13, 15-24, 32 – 38, 40-42, 48 – 52 and 54 remain pending in the present application.

35 U.S.C. §103 Rejections

Claims 1 – 3, 5, 7 – 25, 32 – 42 and 48 – 54 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Dutta in view of Rhoads et al. Applicant has discussed the deficiencies of Dutta and Rhoads et al. in Applicant's previously filed responses and reasserts all arguments submitted in those responses. Applicant respectfully traverses these rejections and provides the following additional remarks.

Regarding claims 1, 17, 32 and 48, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of each of these claims of, *inter alia*, wherein the predetermined function comprises at least one of transmitting a signal to order a product or service, decoding data from one or more images to reprogram a communication device or downloading communication device setup parameters. The Examiner appears to assert that these limitations are disclosed in Dutta in paragraph [0023]. However, as has been noted previously, these portions merely disclose details regarding Dutta's method for obtaining images of an object shown in Fig. 4 where an image is captured, stored, processed in accordance with information gathered including detected motion and/or brightness if the image is a subsequent image, reconstructing an entire image of the object when all images have been acquired, displaying the image and/or storing the image, and that the text may be added to an appropriate database such as a list of telephone numbers, internet addresses, email addresses, names, etc., and that this text

“can later be accessed by the handheld device or another device to initiate a telephone call, browse the Internet, send an e-mail message, etc.” This is not the predetermined function comprises at least one of transmitting a signal to order a product or service, decoding data from one or more images to reprogram a communication device or downloading communication device setup parameters, as recited in the claims of the present application. Dutta merely discloses that the text can later be accessed by the handheld device or another device to initiate an action. Neither Dutta, nor any of the other cited references, disclose or suggest a predetermined function comprising transmitting a signal to order a product or service. Further, neither Dutta, nor any of the other cited references, disclose or suggest a predetermined function comprising decoding data from one or more images to reprogram a communication device or downloading communication device setup parameters. These limitations are neither disclosed nor suggested by any of the cited references, taken alone or in combination.

Moreover, as note previously, Applicant submits that one of ordinary skill in the art would have no motivation to combine Dutta, which relates to a handheld device for obtaining an image of an object by combining a plurality of images, with Rhoads et al., which relates to collateral data combined with other data to select a website, in an attempt to achieve the limitations in the claims of the present application. The disclosure of Dutta and Rhoads et al. are directed to two entirely different problems, solutions, and technologies, and one of ordinary skill in the art would have no motivation to make this combination to achieve the limitations in the claims of the present application. In addition, as noted previously, this combination fails to achieve the limitations in the claims of the present application.

Regarding claims 2, 3, 5, 7-13, 16, 18-24, 33-38, 40-42, 49-52 and 54, Applicant submits that these claims are dependent on one of independent claims 1, 17, 32 and 48 and, therefore, are patentable at least for the same reasons noted previously regarding these independent claims.

Accordingly, Applicant submits that Dutta does not disclose or suggest the limitations in the combination of each of claims 1 – 3, 5, 7 – 13, 15-24, 32 – 38, 40-42, 48 – 52 and 54 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

Conclusion

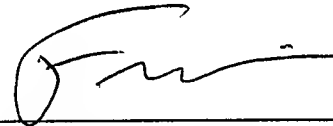
In view of the foregoing amendments and remarks, Applicant submits that claims 1 – 3, 5, 7 – 13, 15-24, 32 – 38, 40-42, 48 – 52 and 54 are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested.

If the Examiner has any questions about the present Amendment or anticipates finally rejecting any claim of the present application, a telephone interview is requested.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 13-4365.

Respectfully submitted,

Ivan N. Wakefield
(Applicant)



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Frederick D. Bailey
Registration No. 42,282
Moore & Van Allen, PLLC
P.O. Box 13706
Research Triangle Park, N.C. 27709
Telephone: (919) 286-8000
Facsimile: (919) 286-8199